**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1142 OF 2006

Chaudhary Abdul Majid Shahadat .. Petitioner.
Vs.
State of Maharashtra .. Respondents.

Mr.Jayesh Bhatt for the petitioner.
Mrs.M.H.Mhatre A.P.P. for the State.

**CORAM : D.B.BHOSALE, J.**

**DATED : 26TH JUNE, 2006**

P.C.:

. Heard learned counsel for the parties.

2. The petitioner was earlier prosecuted of the offences punishable under section 365, 341, 342, 504 read with 34 of I.P.C. on the basis of the FIR lodged by respondent no.1. After the trial the petitioner was acquitted by the judgment and order dated 19.3.2005. After the acquittal, the petitioner has filed a private complaint against respondent no.1 who had filed the aforesaid case against him, alleging that the said prosecution was malicious and that it caused defamation of the complainant. Admittedly, the case which the petitioner had to face was State prosecution. Merely because, the accused was acquitted in that case he cannot come before the Court

saying that it was malicious prosecution. Such complaint of defamation cannot be entertained in the absence of any such observations in the judgment of acquittal. The judgment in the case of **Sewakram Sobhani Vs. R.K.Karanjiya , Chief Editor, Weekly Blitz and Others AIR 1981 SC 1514** relied upon by the learned counsel is of no avail to the petitioner in view of the peculiar facts and circumstances of the case. The writ petition is, accordingly, dismissed.

**(D.B.Bhosale, J.)**